

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

BOARD & BATTEN INTERNATIONAL
INC.,

Plaintiff,

v.

SKYWALKER HOLDINGS, LLC DBA
SKYWALKER TRAMPOLINES,

Defendant.

CIVIL ACTION NO. 4:22-cv-00975

**DEFENDANT SKYWALKER HOLDINGS LLC’S NOTICE OF LIMITED
NON-OPPOSITION TO MOTION FOR LEAVE TO OBTAIN EXPEDITED VENUE
DISCOVERY AND TO EXTEND THE DEADLINE TO RESPOND TO
MOTION TO DISMISS OR TO TRANSFER VENUE**

Defendant Skywalker Holdings, LLC *dba* Skywalker Trampolines (“Skywalker”), by and through counsel, hereby notifies the Court that it does not oppose the specific relief requested in Board & Batten International Inc.’s (“B&B”) Motion for Leave to Obtain Expedited Venue Discovery and to Extend the Deadline to Respond to Motion to Dismiss or to Transfer Venue (the “Motion”).¹

Specifically, Skywalker agrees to engage in limited written discovery pertaining to whether venue is proper in this District. In particular, Skywalker has agreed to allow B&B to serve the four (4) requests for production and the four (4) interrogatories in the form attached to the Motion as “Exhibit A” (collectively, the “Venue Discovery Requests”), while expressly reserving its rights to respond and object to the Venue Discovery Requests in accordance with the Federal Rules of

¹ Dkt. No. 12.

Civil Procedure. Skywalker has also agreed to extend the deadline for B&B to serve its response to Skywalker's Motion to Dismiss or to Transfer Venue² from February 14, 2023 to twenty-one (21) days after Skywalker serves its responses and objections to the Venue Discovery Requests.

However, while Skywalker does not oppose opening discovery for the limited purpose of propounding the Venue Discovery Requests or extending the deadline for B&B to oppose the Motion to Dismiss or to Transfer Venue, Skywalker does not necessarily agree with B&B's recitation of the law or facts, the legal merits of the venue related discovery, or the characterizations of the Venue Discovery Requests in the Motion, among other things.

Subject to the forgoing, Skywalker does not oppose the entry of the proposed order accompanying the Motion.

Dated: February 15, 2023

Respectfully Submitted,

KIRTON | MCCONKIE

By /s/ James T. Burton

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***Attorneys for Skywalker Holdings, LLC dba
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served pursuant to the Federal Rules of Civil Procedure on February 15, 2023, on the following counsel of record via the Court's CM/ECF system:

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/s/ James T. Burton
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